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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23003 of 2021

1. Ananthi
2. Tamilselvan

... Petitioners

Versus

State by:-
The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri District.
(Crime No.261 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.261 of 2021 pending investigation on the file of the respondent police.

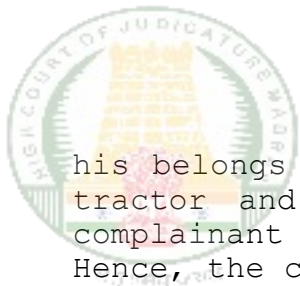
For Petitioners: Mr.M.Jayachandran

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 447, 294(b), 324, 506(ii) of IPC altered into 447, 294(b), 324, 506(ii) and 307 of IPC in Crime No.261 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint said that he is having five brothers, two brothers and father had already died. They are having 40 acres of family properties have been oral partition between brothers by divided an equal shares when their father was alive except 1 acre 27 cents of land was custody of his father for maintenance. Due to previous enmity and civil dispute on 24.06.2021 the A1 had entered in the disputed land by his tractor and wordy quarreled with defacto complainant by used filthy language and he said that the disputed land



his belongs to him and he has hitting the defacto complainant by the tractor and assaulted with iron pipe. Due to which the defacto complainant was sustained injury and admitted Government Hospital. Hence, the complaint.

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3. The learned counsel appearing for the petitioners submitted that the petitioners has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the co-accused already released on bail, A2 still absconding, injured discharged and partition dispute between the family members. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Dharmapuri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police on every Sunday at 10.30 a.m., until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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02/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MATHIKONPALAYAM POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.13962

CRL OP.23003/2021

Date :02/12/2021

RW 06/12/2021